

### Remarks

Claims 16, 22 and 24 have been amended. Claims 26-31 have been added. Please charge any claims or other fees for entry of this Amendment to our Deposit Account 03-3415.

The Examiner has rejected applicant's claims 16-18, 22 and 24 under 35 U.S.C. § 103(a) as being unpatentable over the Aikens, et al. patent (U.S. Patent No. 6,216,113). With respect to applicant's claims, as amended, this rejection is respectfully traversed.

More particularly, applicant's independent claims 16, 22 and 24 have been amended to better define applicant's invention. Specifically, amended claim 1 recites a client terminal in which a software including a plurality of functions is installed and which is capable of communicating with a server apparatus, the terminal comprising: a setting unit, which sets respective flags of said plurality of functions into an enabling state and a disabling state so that the function the flag of which is set into the enabling state is to be subjected to charging; a controlling unit, which controls usability of the function in accordance with the state of the flag thereof set by said setting unit, so as to make the function the flag of which is set in the enabling state, usable and make the function the flag of which is set in the disabling state, unusable; a payment unit, which executes, every first predetermined period, payment processing of a predetermined price of the function the flag of which is set in the enabling state by said setting unit; a count unit, which counts a period in which said function the flag of which is set in the enabling state, remains being not used; a prohibition request unit, which automatically requests the server apparatus to prohibit the usability of the function subjected to period counting by said counting unit if said counted period counted by said count unit exceeds a second predetermined period; and a changing unit, which changes the state of the flag of the function said counted period of which exceeds the second predetermined period,

from the enabling state to the disabling state in response to a response of said server apparatus to the prohibition request by said prohibition request unit. Claims 22 and 24 have been similarly amended.

In applicant's claimed invention, every first predetermined period, payment processing of a predetermined price of a function which is set in the enabling state is executed. This is described at page 11, lines 11-14 of the subject specification which discloses that the charging for a function in the enabled state is performed by the month ("every first predetermined period"). Furthermore, a prohibition request automatically requests the server apparatus to prohibit the usability of the function subjected to period counting if the counted period exceeds a second predetermined period. This is described at page 11, lines 14-16 of the subject specification which discloses that when the function has not been used for one month or more ("second predetermined period"), the charging for the function automatically stops.

Applicant's claimed invention is thus used with a system in which payment processing for user of a predetermined price is carried out every predetermined period, e.g., every month, for use of a desired function. In such a system, a problem arises in that a user will be charged even if the user does not use the function for some period. The present invention provides a solution to this problem. Specifically, a period is counted in which a certain function set in the enabling state has not been used, and if the counted period exceeds a predetermined value ("second predetermined period," e.g., one month or more), the usability of that function is prohibited (based on a judgment that the user has little interest in the function or seldom uses the function), and the state of the function is changed from the enabling state to the disabling state. Since the claimed invention does not execute payment processing for a function set in the disabling state, the user will not be charged for such function.

Such a construction as recited in applicant's amended independent claims is not taught or suggested by the cited Aikens, et al. patent. In particular, the Aikens, et al. patent discloses transmitting accounting data, stored in a memory 118 of a printing device, periodically to an accounting manager via a network. The Aikens, et al. patent also discloses that usage of a function that results in invalid access or a violation of a restriction, such as too much usage, be denied.

However, the Aikens, et al. patent is silent as to a system in which users are subjected to payment processing of a predetermined price every predetermined period for use of a desired function. In the Aikens, et al. patent, payment processing is executed based on the use amount, e.g., the number of printed sheets. Accordingly, payment processing at a predetermined price for a function is not carried out for the function, if the function is not used for some period. Thus, the system of the Aikens, et al. patent has no need to and does not take into consideration the problem discussed above with respect to the present invention, i.e., payment processing at a predetermined price every predetermined period for a function that is not being used.

Moreover, the general description in the Aikens, et al. patent of the "use of billing counters . . . and the periodic accumulation of billing information" as noted by the Examiner is not a teaching or suggestion of such a system, i.e., a system in which payment processing of a predetermined price every predetermined period for use of a desired function is carried out. Finally, contrary to the Examiner's argument, there would be no need to "cancel the account (equivalent to disabling use of the [printing] function)" in the Aikens, et al. patent, since there is no charge for non-use of the function and since "increasing system efficiency and decreasing system load" can be handled simply by not billing.

Thus, the Aikens, et al. patent does not and can not lead a skilled artisan to the use of a payment unit, which executes, every first predetermined period, payment processing at a predetermined price for a function set in the enabling state. Nor can the patent lead a skilled artisan to a count unit which counts a period in which the function has not been used, and a prohibition request unit, which automatically requests prohibiting the usability of that function if the counted period exceeds a second predetermined period.

Applicant's amended claims 16, 22 and 24, and their respective dependent claims, all of which recite such features in one form or another, thus patentably distinguish over the Aikens, et al. patent.

In view of the above, it is submitted that applicant's claims, as amended, patentably distinguish over the cited art of record. Accordingly, reconsideration of the claims is respectfully requested.

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